


REMARKS

Applicant is filing this RCE and Amendment in response to the Board of Patent Appeals and Interferences decision of July 14, 2004. In that decision the Board affirmed the pending rejections. While Applicant does not agree with the reasoning behind the Board's decision, Applicant has decided that it would be appropriate to make further amendments to best position the case for appeal to the Federal Circuit or to the Federal District Court of Columbia, if necessary.

In making its decision, the Board chose to rely on representative claim 18. Applicant now sees claim 18 was arguably broader in certain respects than other of the independent claims. In particular, claim 18 did not expressly recite that "delivery preferences" were those of the recipient. Applicant continues to believe that the asserted Comesanas reference (U.S. Patent 5,802,498) does not disclose a system that utilizes recipient delivery preferences for determining the manner of delivery, either physical or electronic. Accordingly, claim 18 has been amended to clarify the scope of the claims to overcome the Comesanas reference.

If, upon consideration of these amended claims, the Examiner does not intend to allow the current claims, it is requested that a Final Rejection be issued in the next office action, so that this application may once again be brought to the Board, and further to the court system, if necessary.

Respectfully submitted,


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to the United States Patent and Trademark Office. Attn. Examiner: J.W. Myhre on Fax No.: 703-872-9306

on September 10, 2004

Date of Deposit



Signature

Marlene Massop

Name

September 10, 2004

Date